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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,085	01/13/2000	HIDEO ANDO	0039-7513-2S	6528

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2615

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/482,085	Applicant(s) ANDO ET AL.	
	Examiner HUY T NGUYEN	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 6- 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-10 called for a method for recording data . However, it is noted that there is no recitation for any positive step of recording data in the body of the claims. Therefore, it is not clear how the data is generated and recorded as data objects, control information , data packets Since there are no positive steps for performing the recording of data, the data recited in claims 6-10 is considered as data resided on a medium.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims1-10 direct to data stored on an information-recording medium. Since the data does not provide any structural functional interrelationship to the medium and or read out from the medium to impart with software or hardware components to provide certain function that can be processed by a computer, the claimed data stored on the medium does not make it statutory (See MPEG 2100)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinobu et al (5,686,954) .

Yoshinobu discloses a recording apparatus (Figs. 10 and 18-19, columns 3-4) for recording a digital broadcast video signal from a receiving means . The apparatus comprises :

means for designating a specific broadcast program based on a displayed content of an electronic program guide (column 23-25);

informing the digital broadcast tuner (program selector) (column 13, lines 43-52) of the specific broadcast program; and

receiving from the digital broadcast tuner the specific broadcast program to record a bit stream of the specific broadcast program in the data area of the information medium (column 23-25) and record management information (UTOC or TOC) in a management area (column 30, Fig. 12);

6. Claims 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotoh et al (5,686,954).

Gotoh discloses a recording/reproducing apparatus for recording data on an information medium comprises:

means for recording data in a data area and management information in a management area, the data is recorded as a bit stream of a data object formed of one or more data object unit, each of one more data object unit corresponding to one or more stream blocks, each of one more stream blocks constituted by one or more error correction blocks (Fig. 7, 12, columns 9-10 and 13, column 30);

7. Claims 1, 3-6, 8, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawabe et al (6,137,954).

Regarding claims 1, 3-6, 8, 10 and 12, Sawabe discloses a recording and reeproduicng apparatus for recording data on a medium. The apparatus comprises :

means for recording data (video data or audio data) and control information (navi-pack), the control information includes access unit data for accessing access units (column 9).

Further for claim 10, Sawabe further teaches means for reproducing data and control information.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu in view of Schulz et al (6,229,951).

Regarding claim 15, Yoshinobu fails to teach that the data is stored as error correction blocks. However, it is noted that recording data of a bit streams as error correction blocks is well known in the art as taught by Schulz (column 3, lines 65-68). Therefore, it would have been obvious to one of ordinary skill in the art to modify Yoshinobu with Schulz by arranging the recorded data as error correction blocks thereby easily correcting the error of the data.

10. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al (6,157,934) in view of Nakai et al (5,999,698).

Regarding claims 2 and 13, Sawabe fails to teach information indicating the end of a segment of data object. Nakai teach the use of identifying data to indicate the end of a segment of a data object (Figs. 69 and 85). It would have been obvious to one of ordinary skill in the art to modify Sawabe with Nakai by providing the information

indicating the end of a segment of the data object as taught by Nakai to the data object of Sawabe to accurately control the reproduction of the data objects.

11. Claims 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al (6,157,934) in view of Sawabe et al (6,157,934).

Regarding claims 7,9 and 11, Sawabe discloses a recording and reeprduicng apparatus for recording data on a medium. The apparatus comprises :

means for recording data (video data or audio data) and control information (navi-pack) , the control information includes access unit data for accessing access units (column 9). Further for claim 7, Sawabe teaches the partial recording information (columns 2, lines 35-68, column 16, lines 33-68, Fig. 10) .

Further for claim 11 , Sawabe further teaches means for reproducing data and control information .

Sawabe (6,157,934) fails to specifically teach the use of time stamp for data packets as recited in claims 7,9 and 11. Sawabe (6,148,138) teaches the use of time stamp for data packets in order to control the synchronization between the data packets and reproducing time of the packets (column 10, lines 50-60). It would have bee obvious to one of ordinary skill in the art to modify Sawabe '934 with Sawabe'138 by using the time stamps for data packets in order to control the synchronization between the data packets and the reproduction time of the packets.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


HUU PHAYEN
PRIMARY EXAMINER

H.N
November 17, 2001